

NOV 09 2010

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Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PTO/SB/61 (7-99)

D A C

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)

Docket Number (Optional)

First named inventor:

Philip Chidi Njemanze Group Art Unit: 3737

Application Number:

10/770,606

Examiner: CHERN JONATHAN

Filed:

02/03/2004

Title: Transcranial Doppler Spectroscopy for assessment  
of brain cognitive functions

Attention: Office of Petitions

Assistant Commissioner for Patents

Box DAC

Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703)305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of  
the period set for reply in the Office notice or action plus any extensions of time actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed  
before June 8, 1995; and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

## 1. Petition fee

small entity - fee \$ 270 (37 CFR 1.17(l)).

small entity statement enclosed herewith.

small entity statement previously filed.

other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

## 2. Reply and/or fee

## A. The reply and/or fee to the above-noted Office action in

the form of \_\_\_\_\_

(identify the type of reply):

has been filed previously on 03/02/2007

is enclosed herewith.

## B. The issue fee of \$ \_\_\_\_\_

has been paid previously on \$160

is enclosed herewith.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case.  
Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark  
Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for  
Patents, Washington, DC 20231.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

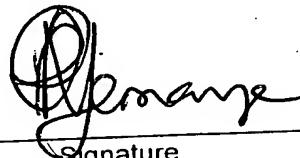
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

Oct 26<sup>th</sup> 2010

Date

Telephone Number: 2348033026124

  
Signature

PHILIP CHIDI NJEMANZE  
Typed or printed name  
No. 1 URATTI/MCC RD  
Address  
OWERRI NIGERIA

Enclosures:  Fee Payment

Reply

Terminal Disclaimer Form

Small Entity Status Form

Additional sheets containing statements establishing unavoidable delay

\_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

Oct 26<sup>th</sup> 2010

Date

  
Signature

PHILIP CHIDI NJEMANZE  
Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY  
UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

Oct 26<sup>th</sup> 2010  
Date

  
Signature  
PHILIP CHIDI NJEMANZE  
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Petition for Revival of an Application for Patent Abandoned Unavoidably  
Under 37 CFR 1.137(a)

Exhibit A

I wish to apply for revival of US Pat Appl No. 10/770,606. I had earlier on 02/03/2007 notified the office that the Office Action of 12/02/2006 was received on 2/3/07 (see office receipt stamp), after expiration of the time given for response. I presume that the delay in mail getting to me was due to the December Holiday period during which there was political election registration holidays in Nigeria, that spanned several days with major mail backlogs from seasonal greeting, that were later and slowly dispatched months after the holidays. I then pleaded that this should be considered. I sent my response by FEDEX (enclosed receipt 02/05/07).

The factors of receiving mail on time during the peak holiday period, disrupted by political issues were beyond my control and I was not made aware of the abandonment until I checked the status on the internet. I request that the application is restored under 37 CFR 1.17 (1).

The last communication from the Office was from letter mailed on 07/23/2007, which I received 8/12/2007, which communicated to me on payment of Informality of Repayment of Fee on Amendment filed 2/8/07. This I responded by mailing a cheque of \$60 (Transmittal and cheque photocopy enclosed). I did not hear from the Office until now.

Exhibit B

(Please attach additional sheets if additional space is necessary)



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STATEMENT CLAIMING SMALL ENTITY STATUS 37 CFR 1.9(f) & 1.27(b))--INDEPENDENT INVENTOR		Docket Number (Optional)
Applicant, Pattee, or Identifier:	PHILIP CHIDI NJEMANZE	
Application or Patent No.:	10/770,606	
Filed or Issued:	02/03/2004	
Title: <u>Transcranial Doppler Spectroscopy for assessment of brain cognitive functions</u>		
As a below named inventor, I hereby state that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in:		
<input type="checkbox"/> the specification filed herewith with title as listed above.		
<input checked="" type="checkbox"/> the application identified above.		
<input type="checkbox"/> the patent identified above.		
I have not assigned, granted, conveyed, or licensed, and am under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).		
Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:		
<input checked="" type="checkbox"/> No such person, concern, or organization exists.		
<input type="checkbox"/> Each such person, concern, or organization is listed below.		
Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)		
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))		
PHILIP CHIDI NJEMANZE		23534
NAME OF INVENTOR	NAME OF INVENTOR	NAME OF INVENTOR
Signature of inventor	Signature of inventor	Signature of inventor
28 Oct 2010	Date	Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 09 2010  
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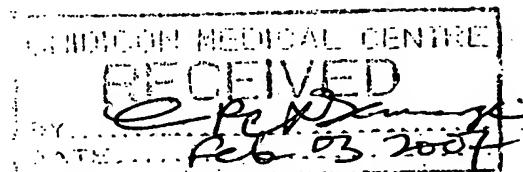
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

EXHIBIT A

APPLICATION NO.	TRADEMARK FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,606	02/03/2004	Philip Chidi Njemanze		2892
23534	7590	12/19/2006	EXAMINER	
PHILIP CHIDI NJEMANZE NO 1 URATTA/MCC ROAD P O BOX 302 OWERI, POB302 NIGERIA			JAWORSKI, FRANCIS J	
			ART UNIT	PAPER NUMBER
			3768	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
30 DAYS		12/19/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 P.O. BOX 1450  
 ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Failure to Acceptably Respond to  
 Notice of Non-Compliant Amendment (37 CFR 1.121)  
*No New Time Period for Reply is Provided*

**OPAP IAP 23**  
**NOV 09 2010**  
**PATENT & TRADEMARK OFFICE**

The amendment document filed on 12-11-06 fails to provide the corrective action required by the prior Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on 11-13-06. The amendment, including both the originally filed amendment and the amendment filed in response to the prior notice, is still considered to be non-compliant under 37 CFR 1.121. In order for the amendment document to be compliant, correction of the item(s) listed below is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

The period for reply continues to run from the mailing date of the prior Notice of Non-Compliant Amendment. The corrections listed below must be timely filed to avoid abandonment of the application. No new time period for reply is provided in this communication. See the Manual of Patent Examining Procedure (MPEP) § 714.03.

If the period for reply set forth in the prior Notice of Non-Compliant Amendment has expired, this application will become abandoned unless applicant: (1) corrects the deficiency, and (2) obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the prior Notice of Non-Compliant Amendment (37 CFR 1.121).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

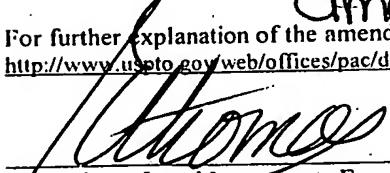
1. Amendments to the specification:  
 A. Amended paragraph(s) do not include markings.  
 B. New paragraph(s) should not be underlined.  
 C. Other \_\_\_\_\_

2. Abstract:  
 A. Not presented on a separate sheet. 37 CFR 1.72.  
 B. Other \_\_\_\_\_

3. Amendments to the drawings: \_\_\_\_\_

4. Amendments to the claims:  
 A. A complete listing of all of the claims is not present.  
 B. The listing of claims does not include the text of all pending claims (including withdrawn claims)  
 C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).  
 D. The claims of this amendment paper have not been presented in ascending numerical order.  
 E. Other: Claims 1-20 are not present  
Amndt not in proper format

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/ola/preognotice/officeflyer.pdf>.

  
 Supervisory Legal Instruments Examiner (SLIE)

571-272-0559

Telephone No.

U.S. Patent Application No. 10/770,606  
Art Unit 3768

Inventor: Njemanze Philip Chidi  
Examiner Jaworski Francis J.

Response to Office Action Dated 12/02/2006

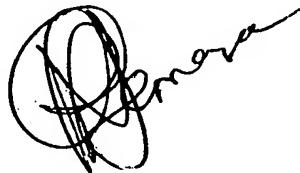
Please I just received this office action today on 2/3/07. This was mailed during the holiday periods and election registration holidays in Nigeria with many days when the postal service did not work. I plead for your consideration.

1. I have renumbered the Claims 1-20.

There are not other claims.

I thank you in anticipation.

Yours truly,



Dr Philip C. Njemanze February, 3<sup>rd</sup> 2007.

**What is claimed is:**

1. (Currently amended) A noninvasive process to determine cerebral blood flow velocity response to facial recognition task in a human observer subject, including steps of: (a) obtaining an observer subject's cerebral blood flow velocity in arteries on both sides of the brain using transcranial Doppler ultrasound instrument with two probes placed on the temples and sample volumes focused on cerebral vessels on both sides; (b) simultaneously with (a) obtaining the mean blood flow velocity in both cerebral arteries at baseline; (c) testing the observer subject's response to a target face, while simultaneously monitoring the mean blood flow velocity during each stage of the task in real-time; (d) determining side-to-side differences in mean cerebral blood flow velocity response to the target face; (e) determining the spectrum analysis of the brain using the mean blood flow velocity response to the target face; (f) simultaneously with (e) obtaining the spectral density plots for both arteries; (g) simultaneously with (f) identifying the respective frequency components for the left and right arteries; (h)

determining the brain hemispheric response and peaks to the real target face using laterality index and spectrum analysis of mean blood flow velocity oscillations, respectively; (i) determining the cross-amplitude as a measure of covariance between the respective peak frequency components in the two series for the target face for each artery, respectively; (j) simultaneously with (i) determining the squared coherency as a measure of the squared correlation between the cyclical components in the two series at the respective frequencies; and (k) cross matching the brain response pattern to the real target face as compared to that of the retrieved face.

2. (Currently amended) The invention of claim 1 wherein the said process is executed by a portable microcomputer that displays the cerebral blood flow velocity, laterality index, faces, spectrum analysis, records, fingerprints and other biometric information in an integrated database or as a combination of selected data options.

3. (Currently amended) The invention of claim 2 wherein the said microcomputer is operatively connected to a computer workstation

for more extensive search and cross matching of faces to spectrum analysis and comparison by an operator.

4. (Currently amended) The invention of claim 3 wherein the said microcomputer is operatively connected to a global positioning system.

5. (Original) The invention of claim 4 and further including a computer workstation means for retrieving the faces from an immigration, forensic, advertising or plastic surgery database.

6. (Original) The invention of claim 5 wherein the task involved relates to odor evaluation.

7. (Original) The invention of claim 5 wherein the task involved is a mental performance task and reflects the face-minder's perception of overall state-of-being of the immigrant.

8. (Original) The invention of claim 5 wherein the display of the microcomputer is operatively connected to an eye-piece monitor with optional voice control.

9. (Currently amended) A noninvasive process to determine cerebral blood flow velocity response to facial recognition task in a

human observer subject, including steps of: (a) obtaining an observer subject's cerebral blood flow velocity in arteries on both sides of the brain using transcranial Doppler ultrasound instrument with two probes placed on the temples and sample volumes focused on cerebral vessels on both sides; (b) simultaneously with (a) obtaining the mean blood flow velocity in both cerebral arteries at baseline; (c) testing the observer subject's response to a target face, while simultaneously monitoring the mean blood flow velocity during each stage of the task in real-time; (d) determining side-to-side differences in mean cerebral blood flow velocity response to the target face; (e) determining the spectrum analysis of the brain using the mean blood flow velocity response to the target face; (f) simultaneously with (e) obtaining the spectral density plots for both arteries; (g) simultaneously with (f) identifying the respective frequency components for the left and right arteries; (h) determining the brain hemispheric response and peaks to the real target face using laterality index and spectrum analysis of mean blood flow velocity oscillations, respectively; (i) cross matching the

brain response pattern to the real target face as compared to that of the retrieved face; and (j) comparing both target and retrieved faces by an operator.

10. (Currently amended) The invention of claim 9 wherein the said process is operatively executed by a portable microcomputer that displays the cerebral blood flow velocity, laterality index, faces, spectrum analysis, personal records, fingerprints and other biometric information in an integrated database or as a combination of selected data options.

11. (Currently amended) The invention of claim 10 wherein the said microcomputer is operatively connected to a computer workstation for more extensive search and cross matching of faces to spectrum analysis.

12. (Currently amended) The invention of claim 10 wherein the said microcomputer is operatively connected to a computer workstation to trigger a more extensive search and cross matching of faces by a female operator at a remote site.

13. (Currently amended) The invention of claim 12 and further

including a computer workstation means for retrieving the faces from a forensic or immigration biometric database across international borders.

14. (Currently amended) The invention of claim 12 and further including a wireless telecommunication means to connect to a computer workstation database.

15. (Currently amended) A noninvasive process to determine cerebral blood flow velocity response to object recognition task in a human observer subject, including steps of: (a) obtaining an observer subject's cerebral blood flow velocity in arteries on both sides of the brain using transcranial Doppler ultrasound instrument with two probes placed on the temples and sample volumes focused on cerebral vessels on both sides; (b) simultaneously with (a) obtaining the mean blood flow velocity in both cerebral arteries at baseline; (c) testing the observer subject's response to a target object, while simultaneously monitoring the mean blood flow velocity during each stage of the task in real-time; (d) determining side-to-side differences in mean cerebral blood flow velocity

response to the target object; (e) determining the spectrum analysis of the brain using the mean blood flow velocity response to the target object; (f) simultaneously with (e) obtaining the spectral density plots for both arteries; (g) simultaneously with (f) identifying the respective frequency components for the left and right arteries; (h) determining the brain hemispheric response and peaks to the real target object using laterality index and spectrum analysis of mean blood flow velocity oscillations, respectively; (i) determining the cross-amplitude as a measure of covariance between the respective peak frequency components in the two series for the target object for each artery, respectively; (j) simultaneously with (i) determining the squared coherency as a measure of the squared correlation between the cyclical components in the two series at the respective frequencies; (k) cross matching the brain response pattern to the real target object as compared to that of the retrieved object; and (l) comparing both target and retrieved objects by an operator.

16. (Currently amended) The invention of claim 15 wherein the said

process is operatively executed by a connected portable microcomputer that displays the cerebral blood flow velocity, laterality index, images of objects as well as the spectrum analysis in combination or as selected options.

17. (Currently amended) The invention of claim 16 wherein the said microcomputer is operatively connected to a computer workstation for more extensive search and cross matching of the image of the object to spectrum analysis.

18. (Original) The invention of claim 17 wherein the image of the object under study comprise audiovisual scenes.

19. (Original) The invention of claim 17 wherein the object under study comprise odor specific characteristics.

20. (Currently amended) The invention of claim 17 and further including a computer workstation means with human-computer interface system for object recognition task for use in forensics, medicine and advertising.



EXHIBIT B



Please type a plus sign (+) inside this box ---->

PTO/SB/21 (0-08)

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TRANSMITTAL  
FORM

*(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission

**Application Number**

10/770,606

Filing Date

02/03/2009

**First Named Inventor**

Philip Chiu, Nern

### Group Art Uni

3768

Examiner Name

JAWORSKI FRAN

**ENCLOSURES** (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	<b>23534</b>
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	<small>PATENT TRADEMARK OFFICE</small>
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<b>INFORMATION RE PAYMENT OF FEE AMENDMENT FILED 2/8/07</b>	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<b>Remarks</b>	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Philip Chidi Njemanze
Signature	
Date	8/13/07

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20591 on this date: **8/15/07**

typed or printed name	PHILIP CHIDI NJEMANZE		
Signature	Philip Chidi Njemanze	Date	8/12/07



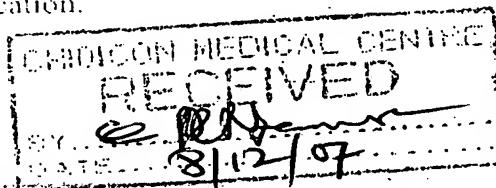
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,606	02/03/2004	Philip Chidi Njemanze		2892
2004-1008	02/03/2004			
PHILIP CHIDI NJEMANZE NO 1 URATTÀ/MCC ROAD P.O BOX 302 OWERRI, POB302 NIGERIA			EXAMINER LAWORSKI FRANCIS J.	
			ATT. UNIT 1768	TELE. NUMBER 1-800-787-3768
			MAIL DATE 07/23/2007	DELIVERY POINT PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



PHILIP NIEMANZE MD.  
N 1 URATTÀ RD. OWERRI  
P.O. BOX 302  
IMO STATE NIGERIA 99999

565

03-27/031  
116

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DECEMBER

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National Bank of Florida, N.A.

For Pat Appl. 10/770,606

10631002770 35154057550 0565